

ERGON OFFICE

HP FAX

From:

Dr. Neil C. Schoen
Ergon Technology Associates
9817 Freestate Place
Suite #4
Gaithersburg, MD 20886-3158

To:

Examiner John Paradise
USPTO
Virginia

FAX Phone Number:

301-330-5484

FAX Phone Number:

1-571-273-4466

Voice Phone Number:

301-330-5484

Voice Phone Number:

1-571-272-4466

Number Of Pages:

1 + 7

Date/Time: 18

7:50

July 18, 2005 ~ 3:00 PM

Subject:

Response to your 7/8/05 FAX

Notes:

John - I have made some clarifying edits to your claims language draft change, while keeping the separation groups. I am still not sure about the restriction and would like further clarification - I think the real issue is government vs. private industry due to legal statutes. I'll call to get a time when I can reach you -

Thank, Neil Schoen

To: Mr. Neil Schoen (301) 330-5484
From: Examiner John Paradiso, USPTO
RE: US Patent Application 09/296,864

Mr. Schoen,

Attached is a DRAFT of the first part of the Office Action you will be receiving on your application.

I've re-written the claims (subject to your approval, of course) to separate the metrorail features from the commercial product features, and also to ensure the claims' parallel construction and to eliminate any possible objections over 35 USC 112.

John Paradiso
(571) 272-4466

Application/Control Number: 09/296,864
Art Unit: 3721

Page 2

DETAILED ACTION

looking at this action (all others were considered "lost")

1. This action on the merits supercedes all previous actions on the merits in this application.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 9-10, drawn to a system to increase revenues paid to mass transit service organizations classified in class 463 subclass 16
 - II. Claims 11-14 drawn to a system to increase revenues paid to commercial product corporations, classified in class 705 subclass 16

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions, while both producing lottery effects, do so with different modes of operation: Invention I uses electronic farecards for metrorail service, Invention II uses a variety of other media formats including credit card receipts, ticket stubs, etc.

Bhu - Note that Metrorail uses three (3) modes of invoicing/ticketing:

- 1. magnetic strip farecard*
- 2. "SmartTrip" (= "GoCard") which is a proximity farecard equivalent (RFID device)*
- 3. regular credit card (CIT Bank?)*

Application/Control Number: 09/296,864
Art Unit: 3721

Page 3

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

if I elect

5. During a telephone conversation with Mr. Schoen on July 8, 2005 a provisional election was made *with / without* traverse to prosecute the invention of Group I, claims 9-10.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

example

Examiner's Amendment

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Neil C. Schoen on July 8, 2005. Claims 1-8 have been cancelled and replaced with new claims 9-14 in order to more clearly define the invention.

*when
decided -
DRAFT for now*

Application/Control Number: 09/296,864

Page 4

Art Unit: 3721

7. The application has been amended as follows:

A complete listing of the claims follows:

1. (cancelled)
2. (cancelled)
3. (cancelled)
4. (cancelled)
5. (cancelled)
6. (cancelled)
7. (cancelled)
8. (cancelled)

Application/Control Number: 09/296,864

Art Unit: 3721

Page 5

*Auxiliary system
paying for
passenger rental car
and other government funded*

9. (new) A system to increase revenues paid to mass transit service organizations by addition of electronic lottery processes and operations, which may collect additional revenues from customers for said lottery operations, above and beyond those paid for normal services, comprising:

and other invoicing media

means for electronically identifying and redeeming farecards which contain modifications provided for additional wager and customer identifications information for lottery operation to provide predetermined payouts to winning lottery customers;

means to collect said additional revenues from customers of said lottery operations;

means to ensure the security and integrity of said lottery processes and operations to prevent fraudulent use of invoicing media to obtain said payouts of lottery funds;

wherein said mass transit service organizations consist of metro-rail systems ^{or other} mass transit systems ^{system} *and auxiliary functions including parking lots*

and wherein the means for electronically identifying and redeeming farecards is chosen from the following group:

a.) the "add-fare" feature on existing farecard systems with an additional ticket marking *and passenger destination location alternative mode* indicating a lottery purchase, which is activated by an additional lottery selection button *transportation services means* incorporated into said farecard system;

b.) the "cash-back" feature on existing metro-rail farecard purchase machines adapted to detect an additional ticket marking indicating a lottery purchase, with fixed or programmed payouts by said adapted machine in the form of cash or, *alternately* in the form of new fare cards of the appropriate value;

alternately

Application/Control Number: 09/296,864
Art Unit: 3721

*debate? same language
already in claim 9 (new)*

10. (new) A system according to claim 9 wherein said means to ensure the security and integrity of said lottery processes are the existing procedures used to prevent fraudulent use of farecards.

*102 or 103
Possibilities*

11. (new) A system to increase revenues paid to commercial product corporations by addition of electronic lottery processes and operations, which may collect additional revenues from customers for said lottery operations, above and beyond those paid for normal products or services, said invoices selected from the group of: tickets, credit card receipts, credit card bills; comprising:

*he claims
he didn't
see
my
initial
response
before
issuing*

means for electronically identifying and redeeming customer invoices which contain modifications provided for additional wager and customer identifications information for lottery to provide predetermined payouts to winning lottery customers;

means to collect said additional revenues from customers of said lottery operations;

means to ensure the security and integrity of said lottery processes and operations to prevent fraudulent use of invoicing media to obtain said payouts of lottery funds;

wherein said commercial product corporations consist of large consumer retail corporations;

and wherein the means for electronically identifying and redeeming customer invoices is chosen from the following group:

- a.) existing cash registers which add an additional marking to receipts at point of purchase;
- b.) existing receipts mailed from commercial corporations or financial institutions with said lottery payouts.

Application/Control Number: 09/296,864
Art Unit: 3721

Page 7

12.) (new) A system according to claim 11 wherein said commercial product corporations are consumer retail chains with cash register networks, which employ magnetic strip / manual entry credit card order machines, adapted to accept additional lottery funds by recording said funds and marking said credit card receipts for further processing to determine total funds available for payout to operate said lottery processes.

(11)

13.) (new) A system according to claim 11 where said commercial product corporations operate a large internet marketing service which is adapted to accept additional lottery funds by marking said customer invoices with the value of said additional funds and an identification code of the customer, to operate said lottery processes; and

wherein means for electronically identifying and redeeming customer invoices consists of adapting said marketing system to add to the customer on-line bill the amount chose for lottery processes, which is equivalent to use of the existing system for recording an additional purchase of merchandise, in this case the lottery option; and

said means of redeeming includes mailing the invoice or electronic crediting of said customer's account.

(11)

14.) (new) A system according to claim 11 where the commercial product corporations are parking lots, theaters, and sports arenas and the invoices are the tickets sold at these venues, along with additional information written on the ticket to identify the amount of lottery funds added; and where the means for redeeming the customer invoice is includes mailing the invoice or the use of an electronic ticket redemption machine.

Copy
14
Language

15.) (new) A system according to claim 9 where the ~~other~~ other government funded organizations include sports arenas and cultural organizations, and the other invoicing media are tickets sold at these venues...

invoicing media

unsold at these venues